

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF

Frederick Banks,

Plaintiff,

Civil Action No.

vs.

United States Courts
District of Texas
FILED

JUL 13 2017

David J. Bradley, Clerk of Court

Adrian Roe, Esquire, 428 Blvd of the Allies, Fifth Floor, Pittsburgh, PA 15219;
Mark R. Hornak, J; Robert Cessar, AUSA;
Soo Song, US Attorney; United States District Court for the Western
District of Pennsylvania; S.A. Sean Langford; S.A. Robert Werner;
S.A. in Charge Scott Smith; Mike Pompeo;
Federal Bureau of Investigation; Central Intelligence
Agency, c/c U.S. Attorney's Office, 4000 US Courthouse, 700 Grant Street
Pittsburgh, PA 15219

(Related to USA v. Banks 15CR168 (WDPA))

Defendants.

COMPLAINT AND FOR A WRIT OF MANDAMUS

Plaintiff Frederick Banks, an American Indian files the foregoing complaint and alleges as follows;

1. That defendant's in his criminal case have delayed the case to intentionally keep him confined beyond his maximum term. Defendant is being unlawfully held beyond his maximum possible sentence which is 38 months with good time. Defendant has over 43 months served which includes 20 months for prior credit time.
2. Defendant's Adrian Roe, Esquire; Mark R. Hornak, J; Robert Cessar, AUSA; Soo Song, US Attorney; United States District Court for the Western District of Pennsylvania; S.A. Sean Langford; S.A. Robert Werner; S.A. in Charge Scott Smith; Mike Pompeo; Federal Bureau of Investigation; Central Intelligence Agency; have delayed the criminal case to keep Plaintiff confined unlawfully by asserting that Plaintiff was mentally ill. On April 28, 2017 Dr. Allissa Marquez testified that Plaintiff "was never incompetent" and does not have a "mental disease or defect". In violation of the Sixth Amendment Right to Speedy Trial and constituted an Abuse of the Competency Process.
3. Counsel Adrian Roe gave Plaintiff one option which was to plead guilty and asserted that Plaintiff was "delusional" because he declined to accept a time served plea deal and instead requested to proceed to trial and represent himself in violation of 28 U.S.C. 1654 and in violation of the Fifth Amendment Due Process Clause.
4. Plaintiff seeks declaratory relief against Judge Hornak declaring that the Judge has unlawfully delayed the case in violation of his clear legal duty in 28 USC 453 owed to Plaintiff. Plaintiff seeks monetary relief against all of the other defendant's for asserting frivolous legal positions to delay his case and under threat, duress and coercive tactics giving him one option which was plead guilty or we will keep you confined and kept Plaintiff confined over his maximum possible sentence. Under Booker, Blakely, Cunningham and Apprendi the maximum possible sentence is not what the charge carries but what the top end of the guidelines range is without any additional judicial fact finding. Judge Hornak claimed that this law did not apply to Plaintiff, a federal pretrial inmate. The Court should order Hornak to do his duty owed and get the case moving.
5. Since Defendant's violated Plaintiff's constitutional rights he is entitled to damages against them and they are liable in the amount of \$55,000,000.00 plus costs interests and fees.

WHEREFORE, Judgment should be entered against Defendant's and for Plaintiff in the amount of \$55,000,000.00 plus costs; interest and fees.

Frederick Banks
#0714068

NEOCC

2240 Hubbard Road
Youngstown OH 44505

Frederick Banks c/o Chief Justice John Roberts, 1 First Street, NW, Washington
DC. 20001 PLAINTIFF

Frederick V. Binkley
#05971068
NECC
2240 Hubbard Rd.
Youngstown, OH 44505

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Southern District of Texas
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